

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

MARY BRULO,

Plaintiff,

Case No.

v.

DEPARTMENT STORES NATIONAL BANK,

Defendant.

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NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, defendant, Department Stores National Bank (“DSNB”), through undersigned counsel and pursuant to 28 U.S.C. §§ 1331, 1441, and 1446 *et seq.*, hereby removes this action from the Luzerne County Court of Common Pleas, Commonwealth of Pennsylvania, to the United States District Court for the Middle District of Pennsylvania. In support of this Notice of Removal, DSNB states as follows:

1. On January 24, 2018, plaintiff, Mary Brulo (plaintiff), commenced a civil action in the Luzerne County Court of Common Pleas, Commonwealth of Pennsylvania, entitled and captioned *Mary Brulo v. Department Stores National Bank*, Case No. 201800827 (hereinafter the “State Court Action”). No further proceedings before the State Court have occurred.

2. In the Complaint, plaintiff alleges statutory causes of action against DSNB under the Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227, *et seq.* A true and correct copy of plaintiff’s Complaint is attached hereto as Exhibit “A.” Therefore,

this Court has jurisdiction over the State Court Action pursuant to 28 U.S.C. § 1331 because plaintiff's Complaint alleges a cause of action arising under the laws of the United States. Because plaintiff affirmatively alleges violations of the TCPA, the Complaint asserts a federal question under 28 U.S.C. § 1331 and is removable pursuant to 28 U.S.C. § 1441.

3. On January 29, 2018, DSNB was served with a copy of the Summons and Complaint.

4. The time within which DSNB is required by the laws of the United States, 28 U.S.C. § 1446(b), to file this notice of removal has not yet expired. This Notice of Removal is timely, having been filed within 30 days of the date on which DSNB was served with plaintiff's Complaint. *See* 28 U.S.C. § 1446.

5. The Luzerne County Court of Common Pleas, Commonwealth of Pennsylvania is located within the United States District Court for the Middle District of Pennsylvania. Therefore, venue for purposes of removal is proper pursuant to 28 U.S.C. § 89(b) because the United States District Court for the Middle District of Pennsylvania embraces the place in which the removed action was pending. 28 U.S.C. § 1441(a).

6. Written notice of this Notice of Removal of this action is being immediately provided to the Luzerne County Court of Common Pleas, Commonwealth of Pennsylvania. *See* Exhibit "B" attached hereto.

7. Written notice of this Notice of Removal of this action is being caused to be served on the plaintiff.

WHEREFORE, defendant, Department Stores National Bank, gives notice that this action is removed from the Luzerne County Court of Common Pleas, to the United States District Court for the Middle District of Pennsylvania.

Dated: February 28, 2018.

Respectfully Submitted,

s/Andrew J. Blady
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Attorneys for Defendant,
Department Stores National Bank

CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2018 a copy of the foregoing was served electronically via CM/ECF on the following:

Brett M. Freeman, Esq.
Sabatini Law Firm, LLC
216 North Blakely Street
Dunmore, PA 18512

Andrew J. Blady
Attorney